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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

9 v.

10 ARMANDO CERVANTES,

11 Defendant(s).

Case No. 2:11-CR-212 JCM (CWH)

ORDER

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13 Presently before the court is Armando Cervantes's ("defendant") petition for writ of habeas  
14 corpus ad prosequendum. (ECF No. 117).

15 Also before the court is the United States of America's ("the government") motion to strike  
16 defendant's petition. (ECF No. 118). Defendant has not responded, and the time to do so has  
17 passed.

18 Local Rule IA 11-6(a) provides as follows:

19 A party who has appeared by attorney cannot while so represented  
20 appear or act in the case. This means that once an attorney makes an  
21 appearance on behalf of a party, that party may not personally file a  
22 document with the court; all filings must thereafter be made by the  
23 attorney.

24 LRD IA 11-6(a).

25 Defendant is currently represented by assistant federal public defender Andrew Wong.  
26 Thus, defendant is precluded from appearing or acting in this case *pro se*. *Id.*; see also *United*  
27 *States v. Bergman*, 813 F.2d 1027, 1030 (9th Cir. 1987) ("A criminal defendant does not have an  
28 absolute right to both self-representation and the assistance of counsel." (citing *United States v.*

1 *Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981)). Any and all filings on defendant's behalf must be  
2 made by Mr. Wong. *Id.*

3 Because the instant petition was filed by defendant personally, rather than by Mr. Wong,  
4 it is a fugitive document. The court grants the government's motion to strike.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's motion  
7 to strike defendant's petition (ECF No. 118) be, and the same hereby is, GRANTED.

8 IT IS FURTHER ORDERED that defendant's petition for writ of habeas corpus ad  
9 prosequendum (ECF No. 117) be, and the same hereby is, STRICKEN.

10 DATED January 24, 2020.

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UNITED STATES DISTRICT JUDGE